

# Notice of Allowability

Application No.

10/634,181

Examiner

Charanjit S. Aulakh

Applicant(s)

LI, JIE JACK

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

If claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to Paper filed on 11 August 2004.

☒ The allowed claim(s) is/are 1,2 and 5-16.

☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11/23/04.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. According to paper filed on Aug. 11, 2004, the applicants have filed a RCE of allowed application 10/634,181.

2. Claims 1, 2 and 5-16 are pending in the application.

#### EXAMINER'S AMENDMENT

3. The following amendment is pursuant to a telephone conversation with the applicant's attorney, Mr. Claude F. Purchase on November 23, 2004. The following changes have been made in claims 1, 8, 11 and 14.

In claim 1, page 2, last line, for the value of variable R1, delete ---Phenyl--.

In claim 1, page 5, value of variable Y2 and Y3, delete ---may be--- and insert --are---  
before taken and furthermore, delete ---selected from ---.

In claim 1, page 6, delete " R4 is independently selected from the groups: H;-----halo  
or CO<sub>2</sub>H since variable R4 is no longer present in the claim.

In claim 8, page 16, for the value of variable R1, delete ---Phenyl--.

In claim 11, line 1, delete ---The--- and insert ----A----before pharmaceutical.

In claim 11, lines 1-2, delete ----according to claim 10,-----.

In claim 11, line 2, after compound, delete ---as in --- and insert ----according to ----.

In claim 14, delete it entirely and rewrite as --- A method for treating osteoarthritis or  
rheumatoid arthritis, comprising administering to a patient in need thereof, a  
therapeutically effective amount of a compound according to claim 7 or 9, or a  
pharmaceutically acceptable salt thereof-----.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 2 and 5-16, renumbered as claims 1-14, are allowed since the instant compounds are neither disclosed nor obvious over the prior art. In the prior art, Lubisch ( U.S. Patent no. 6,414,157 ) discloses 3-substituted tetrahydropyridopyrimidinone derivatives which are closely related to the instant compounds. However, the closely related compounds ( see compounds 61-108 and 199-219 in the table in columns 11-18 ) disclosed by Lubisch differ from the instant compounds in having a different Q variable attached to the N and furthermore, there is no teaching, suggestion or motivation in the prior art to modify the compounds of Lubisch to prepare the instant compounds.

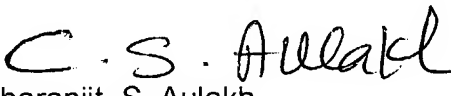
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

Art Unit: 1625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Charanjit S. Aulakh  
Primary Examiner  
Art Unit 1625